IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

MONDAY, THE 29TH OCTOBER 2007 / 7TH KARTHIKA 1929

SA.No. 253 of 2003(E)

AS.184/1999 of DISTRICT COURT, PALAKKAD
OS.579/1995 of PRL.MUNSIFF COURT, PALAKKAD

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APPELLANT: 3RD APPELLANT/3RD DEFENDANT

THIRUNAVAKKARASU,
S/O.PAZHANI AMMA, DOOR NO.35/49,
MALAMPUZHA ROAD, KAVILPAD AMSOM, PALAKKAD.

BY ADV. SRI.N.P.SAMUEL

RESPONDENTS: RESPONDENT & APPELLANTS 1,2 & 4/PLTF.&DEFTS.1,2 &4

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1. M.BALSUBRAMANIAN,
S/OP. MARUTHACHALA KOUNDER,
DOOR NO.35/49, MALAMPUZHA ROAD, KAVIPAD AMSOM,
PALAKKAD.
(Died. LR's 5 to 8 impleaded)

2. PAZHANI AMMAL, W/O. SHANMUGHAN,
DOOR NO.35/49, MALAMPUZHA ROAD, KAVILPAD AMSOM,
PALAKKAD.

3. MARUTHACHALAM ALIAS KANNAN,
S/P. PAZHANIYAMMAL, 35/49, MELAMPUZHA ROAD,
KAVILPAD AMSOM, PALAKKAD.

4. RAJALAKSHMI, D/O. PAZHANIYAMMAL,
35/49, MALAMPUZHA ROAD, KAVILPAD AMSOM,
OLAVAKKODE, PALAKKAD.

ADDL.RESPONDENTS 5 TO 8

5. SMT.RAJESWARI, W/O LATE BALASUBRAMANIAM,
HOUSE NO.50/682, MALAMPUZHA ROAD,
OLAVAKODE JUNCTION, OLAVAKKODE P.O., PALAKKAD-2

6. MR. SANTHAKUMARAN, S/O BALASUBRAMANIAM,
-DO- -D-

7. SARAVANAM, S/O BALASUBRAMANIAM,
-DO- -DO-
(Addl.R7 died. Addl.respondents 5, 6 and 8 are recorded as legal representatives of deceased addl.R7 as per order dated 3.8.2007 on I.A.1391/07)

8. THANKARAJ, (MINOR AGED 16 YEARS)
S/O BALASUBRAMANIAM, REP BY HIS MOTHER AND
GUARDIAN SMT. RAJESWARI, HOUSE NO.50/682,
-DO- -DO-
(Addl.Respondents 5 to 8 are impleaded as legal representative of the deceased 1st respondent as per order dated 9.1.07 on I.A.2144/06.)

BY ADV. SRI.SAJAN VARGHEESE K.
SRI.LIJU. M.P
SRI.B.K.PURUSHOTHAMAN
SRI.SAJAN VARGHEESE K.

THIS SECOND APPEAL HAVING BEEN FINALLY HEARD ON 29/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.PADMANABHAN NAIR, J

S.A. 253/2003

Dated this the 29th day of October, 2007

JUDGMENT

When the Second Appeal is taken up for hearing, it is submitted by the learned counsel on either side, that the matter has been settled out of Court and the parties have filed a compromise petition, I.A.1900/2007, to record the compromise. Today, I have allowed that application and recorded the compromise.

2. In view of the terms of compromise, this Second Appeal is allowed. The decrees passed by the Courts below are hereby set aside. The suit is decreed in terms of the compromise. Terms of the compromise will form part of the decree.

K.PADMANABHAN NAIR
Judge

mrcs